

REMARKS

The present application was filed on January 30, 2002, with claims 1-20, all of which remain pending. Claims 1, 8 and 14 are the independent claims.

Claims 1-20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,418,472 (hereinafter “Mi”).

In this response, Applicants traverse the §102(b) rejection of claims 1-20, and respectfully request reconsideration of the present application.

Applicants initially note that MPEP §2131 specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully traverse the §102(b) rejection on the ground that the Mi reference fails to teach or suggest each and every limitation of claims 1-20 as alleged. For example, the method of independent claim 1 recites steps of “calculating a function of the document” and “creating an identification tag by performing a cryptographic function on said function of the document and a unique processor identifier.” In an illustrative embodiment described with reference to steps 302 and 304 of FIG. 3 at page 6, lines 5-33, the document to be tagged is first hashed to determine a hash value. Then, the tag function is called, passing it the hash value as a parameter, and performs a cryptographic function on both the hash value and a unique processor identifier.

In the present Office Action, the Examiner alternatively contends that the recited limitation directed to calculating a function of the document are taught by Mi at column 3, lines 7-16 (see the last full paragraph of page 3 of the Office Action) and at column 7, lines 1-14 (see the last paragraph of page 2 of the Office Action). Applicants respectfully submit that neither of the cited portions of Mi teaches or suggests this limitation.

Rather, column 3, lines 7-16, of Mi discloses a technique wherein a module “can access information embedded in a processor, e.g., a processor number, and calculate from that embedded information a value that may be compared with processor identifier. . . .” This portion of Mi does

not mention any document, much less calculating a function of a document based at least in part on at least a portion of the contents of the document.

Similarly, column 7, lines 1-14, of Mi discloses:

If object 401 is a patient's medical record, for example, and that patient has a computer or other device that can access web site 402, server 400 may store a processor identifier 403 corresponding to that computer or device when storing that medical record. Processor identifier 403 may be the computer's processor number or a value resulting from applying a function to the combination of that processor number and a value associated with web server 400, such as server identifier 406. To register a client computer for permitted access to object 401, such as the patient's computer described above, server 400 can generate a hash value calculated from the combination of the computer's processor number and server identifier 406. Server 400 can then store the resulting hash value as processor identifier 403 (block 505).

This portion of Mi likewise fails to teach or suggest steps of “calculating a function of the document” and “creating an identification tag by performing a cryptographic function on said function of the document and a unique processor identifier.” Rather, it teaches away by disclosing an alternative technique wherein a server stores a value calculated from the combination of a computer's processor number and a server identifier associated with a web server. Applicants respectfully submit that, despite the Examiner's apparent contention that this section teaches calculating a function of a document because “the document is assigned a processor identifier,” neither processor identifier 403 (“corresponding to that computer” used by a patient to access a web site) nor server identifier 406 (“associated with web server”) is a function of object 401.

Furthermore, claim 1 recites a limitation wherein “a third party, said third party being unassociated with, and independent from, the creation of said created document by said computer system, possessing said document, said identification tag, and a plurality of unique processor associators each having a relationship to an associated one of a plurality of processor identifiers, can determine a source of said document as a function of said computer system.” An illustrative embodiment is described with reference to FIG. 4 in the present specification at, for example, page 7, lines 13-31, wherein it may be “known that the user identified by the user identification data associated with the particular processor associator . . . is the source of the document.”

The techniques disclosed in Mi fail to teach or suggest determining a source of a document based at least in part on an identification tag attached to the document. Rather, Mi discloses only

techniques for verifying the identity of a platform seeking access to an object. See Mi at, for example, column 1, lines 1-11 and column 11, line 66 to column 12, line 1.

Accordingly, it is believed that the teachings of Mi fail to anticipate the limitations of independent claim 1.

Independent claims 8 and 14 contain limitations similar to those of independent claim 1 and are believed patentable for at least the reasons identified above in reference to claim 1.

Dependent claims 1-7, 9-13 and 15-20 are believed allowable for at least the reasons identified above with regard to the independent claims from which they depend. Additionally, one or more of these claims define separately patentable subject matter.

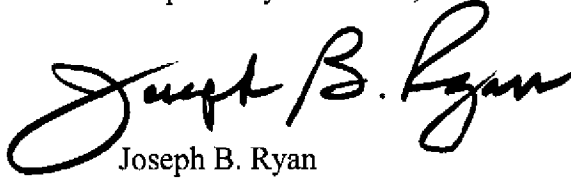
For example, dependent claims 2, 9 and 15 recite similar limitations “wherein said function of the document is a hash function.” In formulating the rejection of these claims, the Examiner relies on column 4, lines 24-34, of Mi, which teaches that “in the case where verification agent 212 includes another value, e.g., a server identifier, in addition to secret key 214, calculator 215 may employ a hash function, such as SHA-1 or MD5, to calculate a return value that is a function of embedded information 211, secret key 214, session identifier 213 and that additional value.” Applicants respectfully submit that Mi’s disclosure wherein a hash function is employed to calculate a return value that is a function of information embedded in a processor, a secret key, a session identifier, and another value included in a verification agent, such as a server identifier, fails to anticipate the recited limitation wherein a function of the document is a hash function.

Likewise, dependent claims 4, 11 and 17 recite similar limitations “wherein said cryptographic function is a Message Authentication Code.” Here, the Examiner relies upon column 2, lines 53-58, of Mi, which discloses that an object may consist of data and/or executable code and may be stored in a machine readable storage medium. Applicants respectfully submit that such disclosures are inapposite to the recited limitation. Indeed, Mi fails to mention a Message Authentication Code at all, much less disclose its use in the claimed manner.

Dependent claims 6, 13 and 19 recite similar limitations “wherein said cryptographic function is based on modular exponentiation.” Here, the Examiner relies upon column 8, lines 33-46, of Mi, which discloses techniques directed toward calculating and sending a hash value. Applicants submit that these disclosures fail to teach or suggest the recited limitation wherein a cryptographic function is based on modular exponentiation.

In view of the foregoing, Applicants believe that claims 1-20 are in condition for allowance, and respectfully request withdrawal of the §102(b) rejection.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" being more prominent and the last name "Ryan" following in a similar style.

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Joseph B. Ryan
Attorney for Applicant(s)
Reg. No. 37,922
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-7517